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EXAMINER

VO, TED T

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,122	<b>Applicant(s)</b> CHOI ET AL.	
	<b>Examiner</b> TED T. VO	<b>Art Unit</b> 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 6-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 6-27 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the communication filed on 12/21/2007.

Claims 1-5 are elected without traverse.

Claims 6-27 are withdrawn. These claims require canceling.

Claims 1-27 are pending in the application.

### ***Response to Arguments***

2. This is in response to the argument filed on 12/21/2007.

Regarding the argument to the rejection of Claims 1-5 as being indefinite, the argument fails to clearly present and to address the meaning the claimed limitations. The argument merely directs "a file" in p. [0003] in the specification. However, "a file" in the specification is a driver file includes all functions of the printer driver, and a file for interface. The term "file" in the specification does not read on:

A method of generating a device driver having a plurality of functional components, the method comprising:  
generating a file for each functional component of the device driver and a user interface;  
rebuilding only a file corresponding to the functional component to be modified to make a device driver installation program when a modification of a functional component is needed; and  
reconstructing the device driver information using a file corresponding to the functional component selected by a user on the device driver installation program and generating an update to the device driver using the reconstructed device driver information.

The limitation “generating a file for each functional component” reads on “a driver file”.

However, the term “rebuilding only a file” used in the claim when it is introduced has its meaning as a file in another set of files. It is ambiguous because “files” cannot be determined.

This file in “only a file” clearly fails to be defined because “rebuilding only a file”, means that there are many files, but only one is rebuilt. Therefore, the meaning of “a file” when it is used in each of the claims is unclear. Since the argument fails to address the clear functionality of the claims, the claims remain indefinite.

Regarding the argument to the rejection of claims 1-5 under Gomez:

With respect to the argument to the claim 1, while the claims fail to be definite, the argument is merely based on this unclearness in the claims. The argument addresses that claim 1 recites generating a file for each functional component of the device driver and the Gomez only discusses modules which form a single file rather than generating files for each component. Examiner contends that the term “single file rather than generating files for each component” in the argument fails to address the limitations in the claims. Even the claim recites “generating files”; it remains inconsistent to the paragraph p. [0003] as mentioned. Furthermore, “files” or “a single file” does not make the claims be patentably different from the reference because, by the nature, a user of the computer can generate files as many as he wants.

With respect to the argument to the claim 4, it should be noted that claim 4 is rejected based on the functionality corresponding to the claim 1.

With respect to the arguments to the dependent claims, the arguments merely contend they are patentable, but fail to address or to be amended in the manner as required under 1.111(c).

***Election/Restrictions***

3. This application contains claims 6-27 drawn to an invention nonelected with traverse in the reply filed on 07/09/2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 recite generating “a file”. This limitation is indefinite because it is unclear the function and the meaning of A FILE.

Claims 1-3 recite reconstructing “the device driver information”. This limitation is indefinite because it lacks antecedent basis in the claims.

Claims 4-5 recite generating “a file”. This limitation is indefinite because it is unclear the function and the meaning of A FILE.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gomez et al., US Pat. No. 7,106,472 B2 (Hereinafter: Gomez), filed on 10/31/2002.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Gomez discloses, *A method of generating a device driver having a plurality of functional components* (See FIG. 3 and associated text, refer to #24, #26), *the method comprising:*

*generating a file* (e.g. #26 ) *for each functional component* (the base Functions #25 and the Extended Function #27) *of the device driver and a user interface* (refer to # 22) ;

*rebuilding only a file corresponding to the functional component to be modified to make a device driver installation program when a modification of a functional component is needed* (See FIG. 3, i.e. Customized Printer Driver; see FIG. 2, #20); *and*

*reconstructing a device driver information using a file corresponding to the functional component selected by a user on the device driver installation program and generating an update to the device driver using the reconstructed device driver information* (See FIG. 2, and whole reference).

As per Claim 2: Gomez discloses, *The method of claim 1, wherein the generating the file comprises constructing each functional component according to a model and functions of a device and generating the file for each functional component* (See FIG. 2 and FIG. 3).

As per Claim 3: Gomez discloses, *The method of claim 1, wherein the device driver is used in a printer, and each functional component has a data structure value of a DEVICE MODE (DEVMODE) as a parameter* (See FIG. 9).

As per Claim 4: Gomez discloses, *An apparatus generating a device driver having a plurality of functional components, the apparatus comprising:*  
*an installation program maker* (FIG. 3) *which generates a file for each functional component*

*of the device driver and a user interface and rebuilds only the file corresponding to a functional component to be modified to make a device driver installation program; and a driver generator which reconstructs information on the device driver to be installed using the file corresponding to the functional component selected by a user on the device driver installation program and generates an update to the device driver using the reconstructed device driver information.* And See the rationale addressed in Claim 1 above.

As per Claim 5: Gomez discloses, *The apparatus of claim 4, wherein the device driver is used in a printer, and each functional component has a data structure value of a DEVICE MODE (DEVMODE) as a parameter* (See FIG. 9).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV  
March 06, 2008

/Ted T. Vo/  
Primary Examiner, Art Unit 2191